

Minutes of the Taunton Conservation Commission December 13, 2021

Present: Chair Steven Turner, Vice Chair Debra Botellio, Commissioners Joshua Borden, Luis Freitas, Matthew Haggerty and Jan Rego. Commissioner Richard Enos absent. Conservation Agent, Michele Restino and Recording Secretary Denise Irving also present.

Motion to continue the minutes of the November meeting. JB, second JR so voted.

Motion to go out of order JB, second DB, so voted.

Bunk Pond: Safety Officer, Arsenio Chaves and First Assistant City Solicitor, Matthew Costa present.

AC states there is just no room for parking there and the barriers have helped. People parked on both sides of the streets and emergency vehicles found it hard to get thru. He has spoken with the neighbors and they feel also it is best to leave the barriers as they are. Things have been better since the barriers have been in place. ST appreciates AC & MC taking the time to come in to speak to the Commission. Motion to keep the barriers in place DB, second JB so voted.

Motion to return to regular order of business JB, second LF, so voted.

Motion to go into Executive Session JB, second DB, so voted. Roll call vote taken, all said aye, so voted.

Motion to return to regular order of business with one vote taken during Executive Session. Roll call vote taken, all said aye, so voted.

Certificate of Compliance:

1. 34 Railroad Ave., Malloch Group, COC, SE73-2798 – to close out Order of Conditions. Motion to stop work and continue to 1/10/22 meeting DB, second JB, so voted.

2. 60 Crystal Lane, Taunton Land Co., COC, SE73-2896 – to close out Order of Conditions. Greg Bunavicz, Borderland Engineering and Al Endriunas, owner, present. JB asks if the Commission can reject the COC? Really needs more work before COC can be issued. MR states if denied they would have to reapply. JB states he feels it should be denied and refile once everything is stabilized. AE asks

if there is any alternatives as they want to get people in the house. MR states that she can't sign off on the Certificate of Occupancy because the septic hasn't been completed. AE states the septic is done and all graded now. LF asks AE why would you have the site not ready knowing that MR would be visiting the site? Who is liable for the COC? AE states the Attorney would put funds aside. Different towns require different things. DB asks should we continue until the next meeting? MR states the grass will not grow by the next meeting and should be continued until April. MR also stated she has no problem with revisiting the site so that she can recheck the septic. If completed she would be able to sign off on the Certificate of Occupancy so that the house can be sold and occupied. DB states she stands with JB to deny. ST states he has an issue with denying the COC versus continuing it. He also stated that he doesn't feel the COC should be issued at this time and that a continuance would be easier. Motion to deny JB, second DB, Roll call vote requested, JR no, LF no, JB yes, MH no, DB yes, ST no, motion does not carry. New motion made to continue until 4/11/22 meeting DB, MH second, so voted.

Public Meeting:

1. 565 West Britannia Street, Corriveau, RDA, DSE-1291 – for septic system repair. Brad Fitzgerald, SFG Associates, present. Motion to issue a Negative Determination with Special Conditions 1-4, 7, 8, 18, 19 DB, second MH, so voted.

Continued Amendment:

1. 19 Ingell Street, Binda/Binda Realty, AMEND OOC, SE73-2922 to construct a triplex and duplex instead of two duplexes. Applicant requests to withdraw the Amendment. Motion to approve the withdrawal of the Amendment DB, second JB, so voted.

Continued Public Hearing:

1. 147 Winthrop Street, McClean, NOI, SE73-2912 reconfigure parking to include 2 spots in front and removal of a concrete patio. Ben Dowling, Attorney, Gary McClean, owner, Rob Marini, NATIVetec, present. MR states that she has a revised plan. Three family was denied by ZBA, applicant requests now back to a two family, proposing four parking spaces in the rear, no parking in the front, replace the deck that has been removed, remove patio and states will park three

compact cars in the two car garage. MR doesn't think that will work. RM states the wetland delineation was done about a year ago and is in the Riverfront Area. They are able to use the City land as an easement to access the property only. The replication area will remain intact. Deck & steps need to be replaced to access the property. GM states the footings of the deck are still there and deck will remain the same footprint.

ST asks - you are stating the two car garage will count as parking for three compact cars. What if your tenant has a truck you will say no you can't rent to him? – No response. ST doesn't feel that three cars will fit into the garage and that they will park anywhere which is a problem. This is a tough area of the Cobb Brook and has had lots of issues over the last 18 years. JB asks are you expanding the asphalt? – no adding gravel, gravel for the 4th space. DB asks you are leaving concrete and the extra spot will be gravel. What prevents people from parking in the wetlands? GM agrees to put a post and rail fence to prevent that issue. DB does not want any cars parking in the wetland and has lots of concerns. RM states he can make the changes to the plan before a COC is issued to show fencing to eliminate those concerns. ST questions if there is any outstanding litigation on this property. BD states he has not researched the property. GM states that his other Attorney for the sale told him it was clean and gave him a letter stating as such. ST requests a copy of that letter to be provided to the Commission.

Public Input: Juanita Gallagher, 145 Winthrop Street, present. She states that GM was aware of the problems of the property because she told him. If there is flooding on the property then they are able to go back to court. She states that City Solicitor, David Gay wants to visit the site to determine how best to handle. She also stated that you cannot park three cars in the two car garage and once the patio is removed it's all wet there. She asks the Commission to put off any decisions until City Solicitor Gay has had a chance to walk the property. She clearly states that the person is not the problem – it's the house. MR states that the site visit with City Solicitor Gay is scheduled for 12/21/21. DPW Commissioner, Fred Cornaglia will also be attending this site visit. LF states since this visit is happening in December we should continue this matter until January. BD states this is the first time he has heard about the meeting. ST states we respect our Legal Department and will follow their advice on how to navigate this situation. ST states again he would like a copy of the letter from the closing Attorney that there was clear title on this property. DB states how many

Attorneys have worked on this property? So many wetland issues. Also suggests waiting until January to discuss further after the walk thru. Also states she respects the City Solicitor's and neighbors opinions. MR will ask the City Solicitor to call Attorney Dowling in regards to the meeting. Motion made with respect to all involved that this be continued until 1/11/22 meeting. At that time the Commission should be presented the letter of clear title, walk thru with City Solicitor & DPW Commissioner completed, copy of the letter from City allowing easement, updated plan showing post and rail fence. JB, second DB so voted.

Juanita Gallagher returns to podium and states that the meeting with the City Solicitor and DPW Commissioner is for her property at 145 Winthrop Street and not 147. That is why the BD, GM or RM were not notified.

MH asks for clarification on who should attend this meeting. MR will get clarification from the Law Dept. and let Attorney Dowling know one way or the other.

2. Winthrop Street (Assessor's Lot 103-28), D.I. Trust II, NOI, SE73-2921 for one infiltration basin in association with a proposed 135 SFH lot subdivision on parcels in Dighton. Joshua Glass, DI Trust, present. JG gave an update on the project as requested stating peer reviews are involved and this is a collaborative process. JB thanked him for coming in. Motion to continue until 3/7/22 meeting DB, second JB, so voted.

3. Willis Pond Road (Assessor's Lot 37-52), Coute/Aspen Properties Development, LLC, NOI, SE73-2957 – construction of a SFH, driveway, utilities and associated grading. Chris Moniz, Aspen Properties, Tracy Duarte, MBL. Revised plan based on MR recommendation on the previous field report. DB asks - where is limit of work in the wetland? TD states that the house is more than 25' and just a small portion of the gravel drive is within the WPZ as shown on the plan. Proposed gravel driveway to remain gravel and no additions to the proposed house will be included in the Special Conditions. Motion to approve with Special Conditions 1-6, 8, 9, 16, 17, 19, 21, 25-27, 31, 36, 38, 41 JB, second LF, DB votes no, motion carries.

Public Hearing:

1. 175 S. Walker Street, Andrade/175 S. Walker Street, LLC, NOI, SE73 -2960 – for construction of a cluster of four mixed-use buildings for residential townhouses & commercial office space. John DeSousa, Northcounty Group present. DB asks if these are townhouses with garages? – yes. What will guarantee people won't go into the wetland area? – we can put up a post and rail fence. What happens if the trash blows into the 25' zone? – trash is maintained by a 3rd party and they will clean up any trash. 5' wide walkway will be grass? – yes no asphalt. What will stop cars from going into the buffer zone? – concrete curb. Proposed sewer manhole cleaned or accessed? No big equipment to be used. – Only in emergency and for cleaning. ST asks for thoughts on the field report. JD believes the project is good as it stands and has already been reduced in scope with other boards. JB states has no issue with project but for MR's peace of mind let's continue for a month. Let Planning Board finish their review and we can see something from the City Engineer. JD states he has already reviewed with MR, DIRB is tomorrow so not finalized. LF asks will it hurt the project if continued? JD would like to give his client an answer and the Planning Board meeting will be held prior to our meeting and they might want to know if Conservation has approved. JD states if the Planning Board requests changes they would have to continue again with modifications. MH states based on concerns would like to see this continued.

Public Input: Victor Santos, 414 Winthrop Street presented pictures to the Commission showing the constant flooding. Originally there was 31 units, now down to 20 but would like to see it reduced more. It's a single family neighborhood. Bradford Carr, 181 South Walker Street states the water is always flowing in the stream. His main concern is the water. If the proposed culvert works then great but if it doesn't it could be a lake out there. Water situation is key. Arthur Ouellette, 183 South Walker Street states water is the big concern. The water comes over the top of the stone wall and looks like Niagara Falls. He hopes the culvert works. Lorraine Carr, 181 South Walker Street states it's a lot of water and when it floods it goes into her cellar. Mark Titlebaum, 185 South Walker Street would like to see the project delayed and the water situation addressed over the next 6 months to a year. The water is a definite problem.

ST states at this time he would vote no – there's too much impervious and too many buildings. Feels you need to go back to the drawing board and also see what the Planning Board has to say. DB asks if the water on the street comes from the property? – yes a neighbor responds... it will take you away! JD states it's an old culvert that's there now. The new culvert should help with the water situation but will not eliminate it. ST feels the project will help the neighborhood but still feel that it is too big. Motion made to continue until 1/10/22 meeting, have results of the Planning Board meeting, City Engineer comments, and results/decisions from all department meetings in Conservation Commissions possession and photos be made part of the record, DB, second MH, so voted.

LF steps down.

2. 122 Winter Street, JIJ, LLC, ANRAD, SE73-2959 – for wetland area delineation. John DeSousa, Northcounty Group, present. Motion to approve DB, second JR, so voted.

3. 187 Run Brook Circle, Moniz/Run Brook Dev., LLC, NOI, SE73-2962 – construct a SFH w/ on site sanitary system, roof recharge system, driveway, utilities, & grading. Motion to continue to 1/10/22 meeting JB, second DB so voted.

LF back in.

4. Dora Drive (Assessor's Lot 101-27), Dora Estates, LLC, NOI, SE73-2961 – construction of a three unit residential building. Jeff Tallman, NE & C present. JT states the plan and storm water have been revised. DEP questions have been complied with in the subdivision plan. DB asks is this the project that Dighton wasn't notified? – yes. JT states that this particular lot should have been separated from the original project. It's a stand alone lot. DB asks was it in the original plan? – yes, was separated later. MR states the field report was based on the first plan. The updated plan was received late today and no time to review it.

Public Input: Town of Dighton, Nancy Goulart, Stormwater Committee Chairman & Todd Pilling, Stormwater Agent Letter dated 12/13/21 submitted to the Commission NG requested a copy of the revised plan & revised stormwater. JT will send it to her. JT will also meet with the Dighton people again. Motion to

make the 12/13/21 letter part of the record and continue until 1/10/22 with a revised plan DB, second JB, so voted.

Continued Violation:

1. 248 Tremont Street – cutting trees, clearing brush, and adding fill within the Riverfront Area. Louis Dosanjios, homeowner, present. MR states that he has done a lot of work and has removed more vehicles and will continue to do so. Motion to remove violation DB, second JR, so voted.

Other Business:

1. 2022 Meeting Calendar - motion to approve DB, second JR, so voted.

2. DEP Training - ST thinks it would be good to do the training the same day as our meeting day with a start time of 5pm. MR was asked to put together some possible dates with DEP.

3. By-Law Committee – Committee is still meeting and working on setting fees. ST would like MR to send him a copy of the minutes of the meetings so far.

4. Meeting with Other Boards – MH asks what is the status? ST stated that the Chairmen of the Planning & Zoning Boards will meet along with the Director of Planning & Conservation, Kevin Scanlon, Michele Restino, Conservation Agent, & Recording Secretary, Denise Irving. ST states the meeting will take place sometime in the beginning of 2022.

ST thanked everyone and wishes for a Happy Holiday!

Motion to adjourn at 8:51 p.m. JB, second DB, so voted.